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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/992,770 12/17/97 HACHIYA

K SONY-6900

LM01/0911

EXAMINER

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VU, T

ART UNIT

PAPER NUMBER

2756

*15*

DATE MAILED:

09/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/992,770</b>	Applicant(s) <b>Hachiya et al</b>
	Examiner <b>Thong Vu</b>	Group Art Unit <b>2756</b>

Responsive to communication(s) filed on Aug 7, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-24 and 33-66 1-66 is/are pending in the application.

Of the above, claim(s) 25-32 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-24 and 33-66 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on 10/11/99 is  approved  disapproved. *WR*

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. This office action is in response to Amendment B filed Aug 07, 2000. Claims 1-24 and new claims 33-66 are pending. The rejections cited are as stated below.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24,33-66 are rejected under 35 U.S.C. § 103 as being unpatentable over Davies et al [Davies 5,931,907] in view of Brunson [5,647,002]

As per claim 33, Davies discloses a method of providing a virtual agent, comprising the steps of detecting one or more events corresponding to one or more of a plurality of agent parameters of a virtual agent, said agent parameters configured to determine the behavior of said virtual agent; and updating said plurality of agent parameters with each detected event [Davies col 1 line 28-40,50-55,col 2 line 10-20, col 3 line 45-65, col 4 line 1-10,col 5 line 45-60,col 6 line 8-15,35-45, col 7 line 15-40,col 9 line 55-65]. However Davies did not explicitly detail the behavior of said virtual agent is continuously modified with each detected event. Brunson taught an email system including Synchronization is effected by automatically creating a corresponding message in one mailbox for every message that arrives in the other mailbox of the mailbox pair. ... some information in the original message is expressed in a medium or has a format that is incompatible, or cannot be made compatible by conversion, with the other system - a partial-copy indication is raised for the corresponding message, and the behavior of synchronization is altered to protect the original message contents [Brunson col 2 line 50-col 3 line 60]. Therefore,

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it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the behavior of interactions or synchronization is alter or contiguously changed to the corresponding message or event as taught by Brunson into Davies system in order to utilize the function of intelligent software agents.

3. As per claims 1,4,6,9, 12,14,17,20,22,49 and 58 contain the similar limitations set forth of method claim 33. Therefore, claims 1,4,6,9, 12,14,17,20,22,49 and 58 are rejected for the same rationale set forth claim 33.
4. As per claim 34, Davies-Brunson disclose said virtual agent is configured to deliver e-mails, and further, wherein one of said events includes one or more of an instruction to send an e-mail and an indication of receiving an e-mail delivered by said virtual agent as an inherent feature of software agent [Davies col 6 line 35-45].
5. As per claim 35, Davies-Brunson disclose said plurality of agent parameters include one or more of an age of said virtual agent, an intelligence level of said agent, a physical strength level of said agent, an intimacy level of said agent, a character trait of said agent, and a state of said agent said detected events include one or more of a physical experience of said virtual agent, a verbal experience of said virtual agent and a time lapse as an inherent feature of software agent [Davies col 5 line 1-10].
6. As per claim 36, Davies-Brunson disclose including the step of encoding said agent parameter as an inherent feature of software agent [Davies col 5 line 1-10].
7. As per claim 37, Davies-Brunson disclose said encoding step includes the step of converting said agent parameter into base 64 format as an inherent feature of software agent

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[Davies col 5 line 1-10].

8. As per claim 38, Davies-Brunson disclose including the step of decoding said encoded agent parameter as an inherent feature of software agent [Davies col 5 line 1-10].

9. As per claim 39, Davies-Brunson disclose said agent parameter includes a four byte data as an inherent feature of software agent [Davies col 5 line 1-10].

10. As per claim 40, Davies-Brunson disclose including the step of displaying said virtual agent as an inherent feature of software agent [Davies col 5 line 1-10].

11. As per claim 41, Davies-Brunson disclose said step of displaying said agent includes the step of animating said virtual agent as an inherent feature of software agent [Davies col 5 line 1-10].

12. As per claim 42, Davies-Brunson disclose said animated virtual agent is displayed as an animated pet as an inherent feature of software agent [Davies col 5 line 1-10].

13. As per claim 43, Davies-Brunson disclose including the step of storing said agent parameter as an inherent feature of software agent [Davies col 5 line 1-10].

14. As per claim 44, Davies-Brunson disclose said animated pet includes one of a dog, a cat, a tortoise, a rabbit and a bear as an inherent feature of software agent [Davies col 5 line 1-10].

15. As per claim 45, Davies-Brunson disclose said virtual agent is provided with a predetermined life span as an inherent feature of software agent [Davies col 5 line 1-10].

16. As per claim 46, Davies-Brunson disclose the step of generating a message when said life span expires as an inherent feature of software agent parameter or state table [Brunson col 5 line 60-65].

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17. As per claim 47, Davies-Brunson disclose the step of displaying said message on a display unit [Davies col 4 line 25-35].

18. As per claims 50-57,59-66 contain the similar limitations set forth of method claims 34-49. Therefore, claims 50-57,59-66 are rejected for the same rationale set forth claims 34-49.

19. As per claim 2, Davies-Brunson disclose a control procedure is performed so that an illustrative sentence of an E-mail for transmission is randomly selected from a plurality of illustrative sentences classes and preset depending on the contents of experiences acquired by said agent so that the selected sentence are in a class consistent with the contents of experiences acquired by said agent, the selected sentence being voluntarily sent to the recipient agent parameter as an inherent feature of software agent [Davies col 5 line 1-10].

20. As per claim 3 Davies-Brunson disclose an effective period of said agent is set and an E-mail is voluntary sent to the recipient upon expiration of said effective period agent parameter as an inherent feature of software agent [Davies col 5 line 1-10].

21. As per claims 4-5, 12-13,17-18,20-21 contain the similar limitations set forth of method claims 1-2. Therefore, claims 4-5, 12-13,17-18,20-21 are rejected for the same rationale set forth claims 1-2.

22. As per claims 6-8,9-11,14-16,17-19,22-24 contains the similar limitations set forth of method claims 1-3. Therefore, claims 6-8,9-11,14-16,17-19,22-24 are rejected for the same rationale set forth claims 1-3.

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23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to :

Commissioner of Patent and Trademarks

Washington , D.C. 20231

or faxed to :

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-7201 (for informal or draft communications, please label  
"PROPOSAL" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,2121 Crystal Drive,  
Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*  
703-305-4643  
Sep 5, 2000

